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22879 7590 02/13/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC L. ANDERSON,
WESLEY ALAN FUJII, and
ANTHONY J. SANCHEZ

Appeal 2007-3403
Application 10/627,560
Technology Center 3600

Decided: February 11, 2008

Before WILLIAM F. PATE, III, TERRY J. OWENS, and HUBERT C. LORIN,
Administrative Patent Judges.

OWENS, *Administrative Patent Judge.*

ORDER REMANDING TO THE EXAMINER

We remand the application to the Examiner under 37 C.F.R. § 41.50 for further consideration of the rejections.

The Appellants appeal from a rejection of claims 1-21, which are all of the pending claims.

THE INVENTION

The Appellants claim a media handling system for an image forming device, and claim an image forming device including the media handling system. Claims 1 and 16 are illustrative:

1. A media handling system for an image forming device configured with a primary media path and a duplex media path, the media handling system comprising:
 - a media feeder positioned adjacent to one side of the image forming device and configured to input print media into the duplex media path of the image forming device, and the media feeder being positioned to not be part of the duplex media path.
16. An image forming apparatus comprising:
 - a housing having at least one wall;
 - an image forming unit provided within the housing for forming an image onto print media;
 - a media storage unit configured to store a supply of non-imaged print media;
 - a primary media path for carrying print media to the image forming unit for imaging;
 - a duplex media path configured to receive imaged print media from the primary media path and return the imaged print media to the primary media path for duplex imaging where the return imaged media is not returned to the media storage unit during the duplex imaging; and
 - the duplex media path being configured to receive non-imaged print media from the media storage unit and to input the non-imaged print media to the primary media path for imaging.

THE REFERENCES

Stemmie	US 5,042,791	Aug. 27, 1991
Cala	US 5,724,642	Mar. 3, 1998
Azumi	US 6,308,948 B1	Oct. 30, 2001

THE REJECTIONS

The claims stand rejected as follows: claims 1-8, 10-12 and 14-19 under 35 U.S.C. § 102(b) over Stemmie; claim 21 under 35 U.S.C. § 102(b) over Stemmie or, in the alternative, under 35 U.S.C. § 103 over Stemmie in view of Cala; and claims 9, 13 and 20 under 35 U.S.C. § 103 over Stemmie in view of Azumi.

REMAND

Stemmie discloses an automatic printing machine for producing successive duplex prints (col. 3, ll. 47-48). The embodiment shown in figure 8 comprises a cassette (82) that includes a side shifting inverter (40) and a portion of the substrate transport path on each side of the side shifting inverter (col. 9, ll. 40-43). Cassette 82 is insertable and removable by sliding along tracks (85, 86). Below cassette 82 is a paper tray (83) from which paper is fed upwardly past two sets of rollers (the upper set being numbered 88 in fig. 1).

The Appellants argue that Stemmie's duplex path is formed by duplex path side shifting inverter 40 (Br. 10). The Appellants further argue (Br. 11):

Stemmie's paper tray 83 (shown in figure 8 and reproduced below) uses a paper path defined between the

labeled “feed rollers” and the transport rolls 88. Thus the paper is not inputted to the duplex path of the inverter 40 but rather by-passes the inverter 40 and inputs paper into the “processor portion” at rolls 88. Therefore, paper tray 83 does not input paper into a duplex paper path and fails to teach the limitations of claim 1.

The Examiner argues that Stemmié’s duplex media path is “from 39 to 42 in Figs. 1 and 8, and then past 40 in Fig. 8 and back up through 88 in Fig. 1 and into 28” (Ans. 3).

Stemmié’s figures 1 and 8 are different embodiments. In Stemmié’s figure 1, sheets 31 are fed from tray 26 (col. 6, ll. 3-4). Hence, it may be reasonable to consider the duplex media path in that figure to extend from decision gate 39 through rollers 42, inverter 40 and rollers 88 to the point where that path intersects the primary media path just before rollers 28. In figure 8, however, the sheets are fed either from tray 83 or from a print substrate paper feeder cassette substituted for cassette 82 (col. 9, ll. 45-46). Thus, in the figure 8 embodiment it appears that the path from tray 83 to figure 1’s rollers 88 is part of the primary media path.

We therefore remand the application for the Examiner and the Appellants to address on the record whether the path from Stemmié’s tray 83 to rollers 88 is part of the primary media path and, if so, whether the primary media path and duplex media path, as those terms are used by the Appellants, can overlap.

If Stemmie's primary media path and duplex media path cannot overlap, then it appears that sheets are fed from figure 8's tray 83 to the duplex media path (beginning at decision gate 39) only by way of the primary media path.¹ The Appellants' claim 1, however, does not recite that the print media is fed directly into the duplex media path. We therefore also remand the application for the Examiner and the Appellants to address on the record whether the Appellants' claim 1 and its dependent claims 2-9 encompass Stemmie's feeding of sheets from figure 8's tray 83 to the duplex media path via the primary media path.

We further remand the application for the Examiner and the Appellants to address on the record whether, if the path between Stemmie's figure 8's tray 83 and figure 1's rollers 88 is part of the primary media path, and if the primary media path and the duplex media path cannot overlap, Stemmie meets the requirement of the Appellants' claims 10-15 that non-imaged media is input into the return media path, or the requirement of claims 3 and 16-21 that the duplex media path receives non-imaged media.²

¹ Regarding the Examiner's argument that "if the duplex path ends at the inverter 40, there is no way for the sheet to be returned along a path from the inverter back toward the transfer station 29, where an image is placed on the opposite side of the sheet (i.e., **no way to complete the duplex print**)" (Ans. 10), even if the primary media path and the duplex media path cannot overlap, after the primary and duplex media paths intersect, the sheet can return to Stemmie's transfer station 29 by way of the primary media path.

² Claim 3, which depends from claim 1, requires that "the media feeder is configured to automatically input non-imaged media into the duplex media path of the image forming device." Claim 10 requires "a media input unit configured for attachment to one side of the image forming device to input non-imaged media into

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This remand to the Examiner pursuant to 37 CFR § 41.50(a)(1) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004), 1286 Off. Gaz. Pat. Office 21 (September 7, 2004)) is made for further consideration of a rejection. Accordingly, 37 CFR § 41.50(a)(2) applies if a Supplemental Examiner's Answer is written in response to this remand by the Board.

REMANDED

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the return media path of the image forming device". Claim 16 requires "the duplex media path being configured to receive non-imaged print media from the media storage unit".